

15826 Japke

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-197000.3 DATE: January 6, 1981

MATTER OF: Interscience Systems, Inc.

DIGEST:

[Request for reconsideration] claiming factual discrepancy which was not material to prior decision is denied since prior decision is not shown to have been founded on alleged error of fact.

Interscience Systems, Inc. again requests reconsideration of our decision in its protest, Interscience Systems, Inc., B-197000, August 8, 1980, 80-2 CPD 103, concerning a U.S. Army Missile Command (Army) procurement for a UNIVAC Model 8433 disk system, or equal, under Request for Proposals (RFP) DAAH03-80-R-0036. A prior Interscience request for reconsideration was denied. Interscience Systems, Inc., B-197000.2, October 27, 1980, 80-2 CPD 320. In the last sentence of that decision, we expressed our understanding that the intended awardee was a peripheral equipment manufacturer, not Univac.

Noting that the original protest was based in part on Interscience's contention that the solicitation could only result in an award to Univac, the protester states that it has since learned that Univac actually received the award. Because Interscience views our decision as founded on what has been shown to be a mistaken belief that Univac would not receive award, it argues that our decision should be reconsidered.

We disagree.

Our decision on reconsideration dealt primarily with Interscience's failure to meet its burden of proof in prosecuting the original protest. In passing, we referred to information furnished our Office at that time which indicated that Univac's proposal was not then considered to be in line for award.

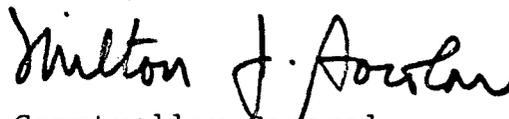
~~D14038~~ 114094

Even if this circumstance later changed, our reference to it was but one of several factors which we mentioned in responding to Interscience's belief that a firm could meet the Army's requirement only by offering Univac "diagnostics." The statement in question was simply:

"Regarding the protester's belief that it could meet the Army's requirement only by offering Univac diagnostics, use of Univac diagnostics is not required by our decision, was not the Army's intention and is not offered by the intended awardee which is a peripheral equipment manufacturer."

It is clear that our view that "use of Univac diagnostics [was] not required by our [initial] decision" was the central point of our discussion, which is not altered even if in fact Univac ultimately received award.

Because our decision thus did not depend on whether Univac did or did not receive award, the protester has not shown that our prior decision was founded on the alleged mistake of fact. Accordingly, Interscience's second request for reconsideration is denied.



For the Comptroller General
of the United States